

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
Plaintiff, )  
vs. )  
MICHAEL J. AVERY, )  
Defendant. )  
NO: 4:21-CR-00303

**MOTION FOR CONTINUANCE OF FRYE HEARING**

COMES NOW Defendant, Michael J. Avery, though his attorney, Marleen M. Suarez, Suarez Law PC, and in support for his Motion to Continue states as follows:

1. This cause is set for a Frye Hearing on Monday, December 20, 2021 at 10:30 AM in front of District Judge Matthew T. Schelp.
2. The United States has submitted a proposed plea agreement that the Defendant is now reviewing.
3. In consideration of the proposed plea agreement, Defendant requests that the Frye Hearing be continued to a further date.
4. Neither party will be prejudiced by the delay.
5. The United States does not object to the continuance.

WHEREFORE, the Defendant respectfully requests a continuance of the above date.

Respectfully submitted,

/s/ Marleen M. Suarez  
Marleen M. Suarez, MO Bar # 60377  
Suarez Law PC  
22 Summer Tree Lane  
Collinsville, IL 62234  
(618) 920-8375 cell  
(866) 439-9765 fax  
suarezlawoffice@aol.com

**CERTIFICATE OF SERVICE**

I hereby certify that on December 16, 2021 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Clerk's electronic filing system upon all counsel of record.

*/s/ Marleen M. Suarez*  
Marleen M. Suarez, Bar #60377